



2025:DHC:6506-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5685/2023

**HARISH CHANDRA SINGH NEGI** .....Petitioner

Through: Mr. Abdul Azeem Kalebudde,  
Adv.

versus

**UNION OF INDIA & ORS.** .....Respondents

Through: Mr. Ripudaman Bhardwaj,  
CGSC with Mr. Kushagra Kumar and Mr.  
Amit Kumar Rana, Advs. for UOI with Mr.  
Arshdeep Singh Randhawa, LO-RAF

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**ORDER (ORAL)**

**05.08.2025**

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**C. HARI SHANKAR, J.**

1. The prayer clause in this writ petition read thus:

“It is therefore respectfully prayed that in the facts and circumstances mentioned above, this Hon’ble Court may be pleased to:

a. Quash/ set aside the impugned Order No. G.II-2/2023-Pers (AC) dated 12.01.2023 and Order No. J.II-2/2023-Pers (AC) dated 28.02.2023 passed by the Directorate General, CRPF (Respondent No. 2 herein), whereby the Respondent No. 2 has erroneously rejected the Representation dated 20.06.2022 made by the Petitioner, seeking restoration of his seniority as per his UPSC ranking, in his 38th Batch of Central Reserve Police Force, by taking the 24.11.2006 as the date for reckoning the seniority, and

b. Quash/ set aside the Gradation List dated 31.07.2018 issued by the Respondents, wherein the seniority of the Petitioner has been depressed in violation of Arts. 14, 15 and 16 of Constitution



of India, 1950 and also the same being contrary to the Office Memorandum No. 9/23/71-Estt.(D) dated 06.06.1978 & Office Memorandum No.35015/2/93-Estt.(D) dated 09.08.1995 & Ministry of Home Affairs Letter No. 1-45022/69/97 Pers-I dated 28.08.1997, and

c. Issue a writ, order or direction in the nature of mandamus and thereby direct the Respondents to restore the seniority of the Petitioner as per Union Public Service Commission (UPSC) ranking given in Central Police Forces (Assistant Commandant) Written Examination, 2004 i.e., in 38th Batch, by taking the initial date of appointment as 24.11.2006, and

d. To provide all consequential benefit accruing to the Petitioner including grant of Local Rank of Deputy Commandant from the time it had fallen due.

e. Direct that the cost of the Petition may also be granted in favour of the Petitioner and against the Respondent.

f. Pass such other further order or orders as may be deemed fit and proper under the circumstances of the case; and  
AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IS DUTY BOUND, SHALL EVER PRAY.”

2. It is obvious that if these prayers are granted, persons who are presently above the petitioner in seniority would be affected.

3. We are constrained to observe that, in case after case, we are finding that the petition seeking *ante dated* promotion or seniority are being filed without impleading necessary parties. The Supreme Court has held in any number of decisions, including *Vijay Kumar Kaul v Union of India*<sup>1</sup> and *Diwakar Shrivastava v State of M.P.*<sup>2</sup> that in cases where a person seeks seniority, persons who would be affected if seniority were granted, are necessary parties.

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<sup>1</sup> AIR 2012 SC 2274

<sup>2</sup> AIR 1984 SC 468



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4. In the circumstances, this writ petition is dismissed for non impleadment of necessary parties. That shall however not inhibit the petitioner from re-instituting the writ petition after impleading necessary parties.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**AUGUST 5, 2025/aky**